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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,300	07/14/1999	EDWARD S. MANN II		5978

7590 10/04/2002

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EXAMINER

HARRIS, CHANDA L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/308,300

Applicant(s)

MANN II ET AL.

Examiner

Chanda L. Harris

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/30/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

In response to Amendment filed on July 30, 2002, Claims 1-20, 22-25 are pending.

Claim 21 is cancelled.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al. (US 5,442,759).**

1. Regarding Claims 1, 13-14, and 22, Chiang discloses a user interface that transmits an instruction set having a plurality of instructions for selection by a user and receives at least one selected instruction based upon said instruction set, said at least one selected instruction designating a target application from a plurality of independently-executable computer applications and a target application interface that receives at least some of said plurality of actions and that selectively issues some of said plurality of actions for externally operating the target application and that relays feedback from the target application back through the data interpreter to the user interface. See Col.5: 36-48. Chiang discloses a data retrieval interface that retrieves a

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plurality of data from a computer memory, said plurality of data based upon said at least one selected instruction. See Col.3: 30-40. Chiang discloses a data interpreter that receives said data and said at least one selected instruction, said data interpreter translates said data into a plurality of actions with respect to said target application and said data. See Col.3: 57-68.

Regarding Claims 1, 13, and 22, Chiang does not disclose expressly a wireless interface. However, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into the method and system of Chiang a wireless interface in order to provide a system that is portable and mobile. Moreover, the use of wireless interfaces is old and well known in the art. Examples of devices containing wireless interfaces include wireless modems, wireless keyboards, and wireless mice. Furthermore, the type of interface does not further limit the system.

2. Regarding Claims 2, 6, 15 and 23, Chiang discloses a video clip for the target application that the data interpreter passes to the user interface for display to the user. See Col.5: 24-29.

3. Regarding Claims 3, 7, 16 and 24, Chiang discloses the data interpreter selectively passes control of the target application to the user through the user interface. See Col.8: 47-56.

4. Regarding Claims 4, 8, 17 and 25, Chiang discloses wherein the data interpreter further comprises: user instruction means, error message issuance means, and evaluation means, whereby tutorial feedback is provided to the user when the user has control of the target application. See Col.3: 65- Col.4: 10 and Col.8:63-66.

5. Regarding Claim 5, Chiang discloses a peripheral (i.e. product) interface that receives at least some of said plurality of actions and selectively issues some of the actions for operating a peripheral device (i.e. product) having an embedded instruction set and a communications port and that relays feedback from the peripheral device back through the data interpreter to the user interface, thereby demonstrating the operation of the peripheral device to the user. See Col.8: 47-63.

6. Regarding Claims 9 and 18, Chiang discloses a host interface (i.e. tutorial control module) that receives at least some of said plurality of actions and that selectively issues some of the actions for directly operating a host system (i.e. tutorial system). See Col.5: 24-36.

7. Regarding Claims 10 and 19, Chiang discloses a peripheral storage device controller for interfacing with a local storage device storing said data. See Col.5: 29-32.

8. Regarding Claims 11 and 20, Chiang discloses a network interface (i.e. OS/2) for accessing another device over a network and for retrieving said data stored on said other device. See Col.5: 54-61.

9. Regarding Claim 12, Chiang does not disclose expressly a wireless interface. However, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into the method and system of Chiang a wireless interface in order to provide a system that is portable and mobile. Moreover, the use of wireless interfaces is old and well known in the art. Examples of devices containing wireless interfaces include wireless modems, wireless keyboards, and wireless mice.

Furthermore, the type of interface does not further limit the system.

***Response to Arguments***

Applicant's arguments filed 7/30/02 have been fully considered but they are not persuasive.

In response to Applicant's arguments regarding the claimed wireless interface, Examiner does not see where there is support in the Specification of "wherein the data retrieval interface comprises a wireless interface for accessing another device over a wireless link and for retrieving said data stored on said other device." Applicant is requested to indicate where in the Specification the aforementioned claim limitation is supported.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

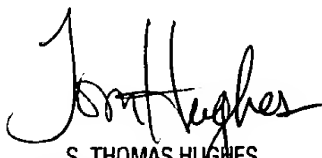
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris  
Examiner  
Art Unit 3714

*ch.*  
ch.  
October 1, 2002

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700